

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Clair E Kelly
Brenda S Kelly
Debtor(s)

Bankruptcy Case No.: 16-70837-JAD
Issued Per Dec. 21, 2017 Proceeding
Chapter: 13
Docket No.: 64 – 48, 57, 58
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 15, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The property subject to Claim No. 2 of Sterling Jewelers, is surrendered.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: January 4, 2018

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Clair E Kelly
 Brenda S Kelly
 Debtors

Case No. 16-70837-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 37

Date Rcvd: Jan 04, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 06, 2018.

db/jdb
 14375259 +Clair E Kelly, Brenda S Kelly, 233 Hillcrest Street, Northern Cambria, PA 15714-1508
 14336075 BANK OF AMERICA, N.A., Bank of America, PO Box 31785, Tampa, FL 33631-3785
 14336076 Bank of America, P.O. Box 31785, Tampa, FL 33631-3785
 14336078 +Bankamerica, 4909 Savarese Cir, Tampa, FL 33634-2413
 14336077 CBCS, P.O. Box 2724, Columbus, OH 43216-2724
 14336079 +Cambria Somerset Radiology, 239 Main Street, Suite 400, Johnstown, PA 15901-1640
 14336080 Cnb Bank, Market & Second, Clearfield, PA 16830
 14336082 Cnty Ntl Bk, Market & Second, Clearfield, PA 16830
 14336083 #+First National Collection Bureau, Inc., 610 Waltham Way, Sparks, NV 89434-6695
 14336085 +Fnb Omaha, P.O. Box 3412, Omaha, NE 68197-0001
 14336086 Hugill Sanitation, Inc., 779 Front Street, Mahaffey, PA 15757-8909
 14336088 +J.P. Harris Associates, LLC, P.O. Box 226, Mechanicsburg, PA 17055-0226
 14336089 +Miners Hospital Emergency Physician Group, P.O. Box 644560, Pittsburgh, PA 15264-8500
 14336090 +Miners Medical Center, P.O. Box 643928, Pittsburgh, PA 15264-3928
 14336091 #+Monarch Recovery Management, Inc., 10965 Decatur Road, Philadelphia, PA 19154-3210
 14336093 +Penelec, c/o FirstEnergy, 101 Crawford's Corner Rd, Bldg #1, Suite 1-511, Holmdel, NJ 07733-1976
 14336094 +Physiotherapy Corporation PP, P.O. Box 824181, Philadelphia, PA 19182-4181
 14336095 +Sears Credit Cards, P.O. Box 183082, Columbus, OH 43218-3082
 14336096 +Sheetz, 5700 Sixth Avenue, Altoona, PA 16602-1199
 14338100 Sterling Jewelers Inc., c/o Five Lakes Agency, Inc., P.O. Box 80730, Rochester, MI 48308-0730
 14336100 +Transworld Systems INC, 802 E. Marintown Road Ste 201, North Augusta, SC 29841-5352
 14336102 +West Branch Sewer Authority, 901 Maple Avenue, Suite 2, Northern Cambria, PA 15714-1331

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14336073 +E-mail/Text: amscbankruptcy@adt.com Jan 05 2018 01:30:07 ADT Security Services,
 P.O. Box 371490, Pittsburgh, PA 15250-7490
 14401668 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jan 05 2018 01:36:54
 American InfoSource LP as agent for, Verizon, PO Box 248838,
 Oklahoma City, OK 73124-8838
 14336074 +E-mail/Text: assignedrisk@ameriserv.com Jan 05 2018 01:29:58 Ameriserv Financial Bank,
 P.O. Box 520, Johnstown, PA 15907-0520
 14336081 E-mail/Text: Bankruptcy.Consumer@dish.com Jan 05 2018 01:29:46 Dish Network,
 P.O. Box 7203, Pasadena, CA 91109-7303
 14336084 +E-mail/Text: bankruptcy@sccompanies.com Jan 05 2018 01:30:12 Ginny's Inc, 1112 7th Ave,
 Monroe, WI 53566-1364
 14336087 +E-mail/Text: BKRMailOPS@weltman.com Jan 05 2018 01:29:35 Kay Jewelers, 375 Ghent Rd,
 Fairlawn, OH 44333-4600
 14336088 +E-mail/Text: bkr@cardworks.com Jan 05 2018 01:29:27 Merrick Bank, PO Box 5000,
 Draper, UT 84020-5000
 14399138 +E-mail/Text: bankruptcydpt@mcmcg.com Jan 05 2018 01:29:47 Midland Funding LLC,
 PO Box 2011, Warren, MI 48090-2011
 14350946 +E-mail/PDF: cbp@onemainfinancial.com Jan 05 2018 01:31:14 ONEMAIN, 605 MUNN RD,
 FORT MILL, SC 29715-8421
 14336092 +E-mail/PDF: cbp@onemainfinancial.com Jan 05 2018 01:31:22 OneMain Financial,
 3133 New Germany Road, Suite 69, Ebensburg, PA 15931-4348
 14521254 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 05 2018 01:36:43
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14347890 E-mail/Text: bnc-quantum@quantum3group.com Jan 05 2018 01:29:36
 Quantum3 Group LLC as agent for, JH Portfolio Debt Equities LLC, PO Box 788,
 Kirkland, WA 98083-0788
 14336098 +E-mail/PDF: gecsedirecoverycorp.com Jan 05 2018 01:31:16 Synch/walmart, Po Box 965024,
 Orlando, FL 32896-5024
 14336099 +E-mail/Text: bankruptcy@sccompanies.com Jan 05 2018 01:30:12 Through The Country Do,
 1112 7th Ave, Monroe, WI 53566-1364
 14336101 +E-mail/PDF: gecsedirecoverycorp.com Jan 05 2018 01:31:08 Walmart/Synchrony Bank,
 P.O. Box 530927, Atlanta, GA 30353-0927

TOTAL: 15

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr
 14336097 BANK OF AMERICA, N.A.
 Susquehanna School District of N. Cambr

TOTALS: 2, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
 While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

District/off: 0315-7

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 37

Date Rcvd: Jan 04, 2018

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 06, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 4, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor BANK OF AMERICA, N.A. bkgroup@kmlawgroup.com
Kenneth P. Seitz on behalf of Joint Debtor Brenda S Kelly thedebterasers@aol.com
Kenneth P. Seitz on behalf of Debtor Clair E Kelly thedebterasers@aol.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

TOTAL: 5